Legal Aid Ontario
2013/14 – 2015/16
Public business plan

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Mandate

Under *The Legal Aid Services Act, 1998 (LASA),* Legal Aid Ontario (LAO) was established as a corporation independent from but accountable to the Government of Ontario.

LAO's mandate is to provide consistently high quality legal aid services in a cost-effective and efficient manner to eligible clients. LAO encourages and facilitates flexibility and innovation in the provision of its services, while recognizing the private bar and clinics as the foundation for providing services in criminal, family, refugee and poverty law.

LAO's vision is to ensure that healthy communities include responsive and meaningful legal aid services and improved access to justice.

In fulfilling its mandate and vision, LAO is committed to providing services which recognize the importance of diversity, access, equity, creativity and quality.

LAO is committed to ensuring that its workplace and client services respond to the diverse needs of Ontario's population and promote diversity, inclusion and accessibility.

Learning from LAO's modernization strategy

LAO is in the midst of proactively addressing the many challenges and opportunities the organization is facing. It has been rigorously implementing a modernization strategy that includes reviewing and upgrading all aspects of its business to provide a client-focused service that delivers the right services at the right time based on the individual client's needs; improving its administration; developing relationships with clients, funders and service providers; and addressing significant upcoming funding pressures.

As a result, LAO now provides clients with new, less costly service channel alternatives to certificates where appropriate; LAO issued 90,369 certificates and projects issuing approximately the same number in 2013/14.

LAO has made more services available to more clients by:

- Establishing a Client Service Centre (CSC) that provides a toll-free number to clients across the province, with services available in over 100 languages; its CSC currently answers over 1,300 calls a day (300,000 annually) and is issuing 40-50% of the legal aid certificates.
- Expanding the availability of summary legal advice through the Client Service Centre and duty counsel; this helps resolve issues earlier and has impacted the number of certificates issued in family and refugee matters.
- Enhancing duty counsel services, leading to a 13% increase in resolution services provided by duty counsel.
- Implementing a block fee system; LAO now issues block fee certificates in over 80% of all criminal matters, thereby supporting the Ministry of the Attorney General's Justice on Target goal of decreasing time to resolution.
- Wrestling its deficit down from a high of $27.6M in 2009/10 to a surplus of $9 million

in 2012/13 and a balanced budget for 2013/14.

LAO has decreased administrative costs by $20M annually by:

- implementing a regional model comprised of nine districts that replaced 51 area offices; its district offices have increased alignment and consistency in service delivery across the province
- Decreasing the administrative costs of processing a legal aid application by 20%.
- Increasing the percentage of staff involved in providing direct legal services by 33%.

LAO has supported the Ministry of the Attorney General's Justice on Target Strategy by:

- Establishing a LAO application officer in over 50 courthouses across the province. Over 95% of criminal matters are heard in sites that have LAO office on-site; same-day decisions have increased from 64% in 2009 to over 80% in 2012/13 and the number of clients making an application on or before their 1st court appearance is up significantly.
- Implementing a Simplified Eligibility Financial Test that includes an innovative partnership with the Ministry of Community and Social Services.
- Establishing six Family Law Service Centres (FLSCs) to meet the growing demand for legal assistance on family and child matters. FLSCs provide early access to legal information, diversion and mediation to assist clients and support MAG's family reform.
- increasing its use of Legal Aid Workers, which enables duty counsel to provide more direct legal services
- Enhancing LAO's website with information and self-help tools.

Strategic objectives: 2013/14 to 2015/16

LAO will continue to focus on identifying and advancing key strategic organization objectives and priorities over the next five years in support of our vision of ensuring that healthy communities include responsive and meaningful legal aid services and improved access to justice.

LAO remains committed to continuing to find ways to operate more efficiently and effectively manage costs while continuing to provide quality client-focused services. The organization will continue to work towards offering flexibility in its services, tailoring them to better meet individual clients' needs, and increasing the number of LAO staff providing direct service to clients.

LAO believes it can be the best legal aid system in the world, at an affordable cost – and that in order to meet its commitments for quality, cost-effective services, and its modernization strategy going forward must provide a means to address the current financial eligibility threshold. LAO's financial eligibility guidelines were last adjusted in 1996 – more than16 years ago – when they were decreased. In fact, initial research shows that this has resulted in approximately one million fewer Ontarians being eligible for certificate services in 2011 than in 1996.

The current financial eligibility threshold affects LAO's clients and also has a negative impact on the entire justice system, as more individuals choose to represent themselves in legal matters

LAO will identify financial eligibility options that focus on opportunities to improve outcomes and justice system efficiencies for unrepresented litigants currently above LAO's financial eligibility guidelines. LAO will develop eligibility threshold options for the government to consider within the context of the province's current fiscal climate and the government's legislated responsibility for determining eligibility.

Strategic business plan goals

LAO will modernize service delivery under four strategic business plan goals:

- Value for clients
- Value for taxpayers
- Service provider support
- Institutional enhancements

Value for clients

LAO will provide access to justice for low-income Ontarians through a range of high quality, timely and cost-effective services focused on assisting more clients to achieve resolution of their legal issues.

LAO's transformation strategy will provide service models that are balanced and secure. LAO will ensure that clients receive the right services at the right time.

Value for taxpayers

LAO will provide accountability and value for money in providing client-focused services that are mindful of the public's and taxpayers' interests. LAO's transformation will support the government's priority of keeping families feeling safe and secure while also supporting the Ministry of the Attorney General's goal of delivering an effective justice system.

LAO will establish and report on performance measurements that validate the effectiveness and efficiency of programs. LAO will review and improve those programs which cannot demonstrate effectiveness and efficiency.

Service provider support

LAO will consult with the private bar and clinics to enhance capacity and to realize its vision to provide responsive and meaningful legal aid services and improved access to justice for low-income Ontarians. LAO's service providers will have the support and tools required to deliver services.

Institutional enhancements

LAO will build capacity to enable the organization to deliver high quality service and to ensure that it meets its mandate and transformation goals.

Over the next five years LAO will see:

- the development of **financial eligibility options** that focus on opportunities to improve outcomes and justice system efficiencies for unrepresented litigants currently above LAO's financial eligibility guidelines
- a reformed **refugee service delivery model** that will reflect the new federal legislation and that will triage clients to the most appropriate level of service, including the greater use of paralegals and expanded coverage by LAO's Refugee Law Office
- effective and innovative delivery of **poverty law services (clinic law reform)** to optimize client service through a modernized structure, greater use of technology and lower administrative costs
- modernized service delivery for **criminal law services**
- enhanced use of **duty counsel** to provide resolution and summary legal advice services to reduce adjournments and reliance on certificates
- improved oversight and supports for service providers through greater **panel management**, including implementation of a clear **discretion policy**, strengthened **panel standards**, **block fees** and **portal enhancements**
- LAO becoming a leader in the use of **paralegals** in providing high-quality legal aid services.

Proposed budget

LAO will continue to focus on modernizing its programs and administrative functions to improve client services and manage costs. LAO does have a number of financial pressures to solve which, if not managed, will result in a significant funding shortfall in the coming years. These pressures are a result of:

1. The tariff requirement stipulated in our Memorandum of Understanding with the Ministry of the Attorney General and the Criminal Law Association

2. A decrease in transfer payment funding from the Ministry of the Attorney General (MAG) of $2M starting in 2013/14, and uncertainty around the federal transfer payment for criminal and immigration and refugee matters. LAO and MAG are engaged in a Federal/Provincial/Territorial working group tasked with negotiating the funding distribution formula for federal criminal funding and preparing a business plan for the renewal of immigration and refugee funding (which is set to expire on March 31, 2014).

3. A continued reduction in the number of client contribution agreements.

4. Continuing low interest rates and uncertainty in the real estate market affecting Law Foundation of Ontario revenue.

Investment of new funding

The recent provincial budget included additional funding of $30 million over three years. The goal of the funding is to improve access to justice and enhance outcomes for vulnerable groups by strengthening the capacity of Family Law Service Centres (FLSCs) and other community and legal clinics to respond to client needs and ensure sustainability of services.

Draft budget

	2012-13 ACTUAL	2013-14 APPROVED	2014-15 ESTIMATES
REVENUE			
Provincial Government			
Government Funding	$ 347,549,100	$ 355,549,100	$ 354,549,100
Client Contributions	12,069,159	14,000,000	14,000,000
Investment and Other Income	1,513,078	1,395,000	1,395,000
Law Foundation	22,294,881	17,194,252	16,000,000
TOTAL REVENUE	**$ 383,426,218**	**$ 388,138,352**	**$ 385,944,100**
CLIENT PROGRAMS			
TOTAL CLIENT PROGRAMS	**$ 332,858,367**	**$ 334,659,296**	**$ 330,425,603**
Service Provider Support	**5,167,747**	**5,294,257**	**5,294,257**
Administration	**30,202,929**	**31,666,982**	**31,666,982**
Other Expenditures (Depreciation/Bad Debts)	**6,016,334**	**11,436,667**	**13,700,119**
TOTAL EXPENDITURES	**$ 374,245,377**	**$ 383,057,201**	**$ 381,086,961**
OPERATING SURPLUS/(DEFICIENCY) OF REVENUE OVER EXPENSES FOR THE YEAR	**$ 9,180,841**	**$ 5,081,151**	**$ 4,857,139**

Staff numbers

LAO employs more than 800 staff. Its employees are lawyers, administrators, policy analysts and planners who work in the provincial office in Toronto and district offices and courthouses across the province. Below is a summary of LAO staffing levels for the past four years as of March 31.

	2011	2012	2013
Lawyer	208	227	249
Manager	106	116	122
Non-Manager	415	435	456
Total Staff	729	778	827
Staff to management ratio	7.8	7.7	8.6
Private Bar Certificates and Duty Counsel Lawyers	4,113	3,964	3,927
Staff to management including Private Bar	44.0	39.2	40.8

Performance measures and targets

LAO is committed to developing measurements that will support decision-making. All aspects of the organization will be part of its analysis for measurement development. Performance measures that are timely and outcome-focused support more effective management decision-making and reporting.

LAO conducts an annual survey of clients and service providers. Client satisfaction results are as follows:

	2011/12	2012/13	2013/14 Target
Duty counsel	97%	97%	97%
Certificate lawyers	87%	87%	90%
Family Law Centres	99%	99%	99%
CSC clients	92%	92%	94%

Further performance measures will be developed and reported during 2013/14.